

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:21-cv-00715-PGG-SN

Avila v. Target Corporation
Assigned to: Judge Paul G. Gardephe
Referred to: Magistrate Judge Sarah Netburn
Case in other court: State Court – Supreme, 156886–20
Cause: 28:1441nr Notice of Removal

Date Filed: 01/26/2021
Date Terminated: 02/19/2021
Jury Demand: None
Nature of Suit: 360 P.I.: Other
Jurisdiction: Diversity

Plaintiff**Sergio Avila**

V.

Defendant

Target Corporation
doing business as
Target Stores

represented by **Michael Christopher Lamendola**
Simmons Jannace Deluca, LLP
43 Corporate Drive
Hauppauge, NY 11788
(631)–873–4888
Email: mlamendola@sjdfirm.com
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|--|
| 01/26/2021 | <u>1</u> | NOTICE OF REMOVAL from Supreme Court, County of New York. Case Number: 156886/2020. (Filing Fee \$ 402.00, Receipt Number ANYSDC–23695900).Document filed by Target Corporation. (Attachments: # <u>1</u> Exhibit S&C, # <u>2</u> Exhibit Answer, # <u>3</u> Exhibit Response to CD).(Lamendola, Michael) (Entered: 01/26/2021) |
| 01/26/2021 | <u>2</u> | CIVIL COVER SHEET filed..(Lamendola, Michael) (Entered: 01/26/2021) |
| 01/26/2021 | <u>3</u> | RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Target Corporation..(Lamendola, Michael) (Entered: 01/26/2021) |
| 01/27/2021 | <u>1</u> | ***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Michael Christopher Lamendola. The party information for the following party/parties has been modified: Michael Christopher Lamendola. The information for the party/parties has been modified for the following reason/reasons: alias party name contained a typographical error; alias party type was entered incorrectly. (sj) (Entered: 01/27/2021) |
| 01/27/2021 | <u>1</u> | ***NOTICE TO ATTORNEY REGARDING CIVIL. CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney Michael Christopher Lamendola. The following case opening statistical information was erroneously selected/entered: County code New York; Fee Status code due (due). The following correction(s) have been made to your case entry: the County code has been modified to XX Out of State; the Fee Status code has been modified to pd (paid). (sj) (Entered: 01/27/2021) |
| 01/27/2021 | <u>1</u> | CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Edgardo Ramos. Please download and review the Individual Practices of the assigned District |

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|------------|-------------------|--|
| | | Judge, located at https://nysd.uscourts.gov/judges/district-judges . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at https://nysd.uscourts.gov/rules/ecf-related-instructions.. (sj) (Entered: 01/27/2021) |
| 01/27/2021 | <u>I</u> | Magistrate Judge Sarah Netburn is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (sj) (Entered: 01/27/2021) |
| 01/27/2021 | <u>I</u> | Case Designated ECF. (sj) (Entered: 01/27/2021) |
| 01/28/2021 | <u>I</u> | NOTICE OF CASE REASSIGNMENT to Judge Paul G. Gardephe. Judge Edgardo Ramos is no longer assigned to the case. (laq) (Entered: 01/28/2021) |
| 01/30/2021 | <u>I</u> <u>4</u> | ORDER OF REFERENCE TO A MAGISTRATE JUDGE: Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement). Referred to Magistrate Judge Sarah Netburn. SO ORDERED. (Signed by Judge Paul G. Gardephe on 1/30/2021) (ama) (Entered: 01/31/2021) |
| 02/10/2021 | <u>I</u> <u>5</u> | INITIAL PRETRIAL CONFERENCE ORDER: An Initial Pretrial Conference pursuant to Rule 16 is scheduled for Wednesday, March 3, 2021, at 2:30 p.m. At that time the parties should dial into the Court's dedicated teleconferencing line at (877) 402-9757 and enter Access Code 7938632, followed by the pound (#) key. In addition, the parties are ORDERED to meet and confer on whether the case should be transferred to the Eastern District of New York, Central Islip Division, pursuant to 28 U.S.C. § 1404. If both parties agree to a transfer, they shall file a stipulation of venue transfer in advance of the conference date. Defense counsel is directed to serve a copy of this order on Plaintiff's counsel. Plaintiff's counsel shall file a notice of appearance on the docket within one week. (Initial Conference set for 3/3/2021 at 02:30 PM before Magistrate Judge Sarah Netburn.) (Signed by Magistrate Judge Sarah Netburn on 2/10/2021) (ras) (Entered: 02/10/2021) |
| 02/11/2021 | <u>I</u> <u>6</u> | NOTICE of Initial Pretrial Conference Order. Document filed by Target Corporation..(Lamendola, Michael) (Entered: 02/11/2021) |
| 02/18/2021 | <u>I</u> <u>7</u> | PROPOSED STIPULATION AND ORDER. Document filed by Target Corporation..(Lamendola, Michael) (Entered: 02/18/2021) |
| 02/19/2021 | <u>I</u> <u>8</u> | STIPULATION TO TRANSFER VENUE: IT IS HEREBY STIPULATED AND AGREED, by and between SILER & INGBER, LLP, attorneys for plaintiff SERGIO AVILA and SIMMONS JANNACE DELUCA, LLP, attorneys for defendant TARGET CORPORATION s/h/a TARGET CORPORATION d/b/a TARGET STORES, to the entry of an Order transferring the above-captioned action to the Eastern District of New York, Central Islip Division, pursuant to 28 u.s.c. § 1404. IT IS FURTHER STIPULATED AND AGREED, that this Stipulation may be executed in counterparts and that facsimile signatures shall be deemed originals for the purpose of filing. SO ORDERED. (Signed by Judge Paul G. Gardephe on 2/19/2021) (jca) Modified on 2/19/2021 (jca). (Entered: 02/19/2021) |
| 02/19/2021 | <u>I</u> | CASE TRANSFERRED OUT ELECTRONICALLY from the U.S.D.C. Southern District of New York to the United States District Court – District of Eastern District of New York. (jca) (Entered: 02/19/2021) |